

PROB 12B
(PAWP 4/16)

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF PENNSYLVANIA

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Offender:	Max Ray Butler	Docket No.: 2:07CR00332
Sentencing Judge:	Maurice B. Cohill, Jr., Senior United States District Judge	
Presiding Judge:	Mark R. Hornak, Chief U.S. District Judge	
Date of Original Sentence:	February 12, 2010	
Original Offense:	Counts 1 & 2: Wire Fraud, 18 U.S.C. § 1343	
Original Sentence:	156 months of imprisonment; 60 months of supervised release	
Special conditions:	Restitution - Money, Special Assessment, Financial Disclosure, No New Debt/Credit, Substance Abuse Testing, Computer/Internet Restrictions, Computer Search, Search/Seizure, Forfeiture	
Type of Supervision:	Supervised Release	Date Supervision Commenced: N/A
Prior Court History:	N/A	

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption, except with the prior approval of the probation officer.

You must not go to, or remain at any place where you know controlled substances are illegally sold, used, distributed, or administered without first obtaining the permission of the probation officer. Except as authorized by court order, you must not possess, use or sell marijuana or any marijuana derivative (including THC) in any form (including edibles) or for any purpose (including medical purposes). Without the prior permission of the probation officer, you must not enter any location where marijuana or marijuana derivatives are dispensed, sold, packaged, or manufactured.

You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

You must take all mental health medications that are prescribed by your treating physician.

You must provide the U.S. Probation Officer with truthful and complete information regarding all computer hardware, software, electronic services, and data storage media to which you have access.

You must submit your computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media, to a search. You must not install any encryption software or mechanism on any such computer, device, or data storage media. You must furnish any password or passcode required to access the computer, device, or storage media to the probation officer upon request. You must warn any other people who use these computers or devices capable of accessing the Internet that the devices may be subject to searches pursuant to this condition. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

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You must allow the probation officer to install computer monitoring software on any computer (as defined in 18 U.S.C. § 1030(e)(1)) you use. To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. These searches shall be conducted for the purposes of determining whether the computer contains any prohibited data prior to installation of the monitoring software; to determine whether the monitoring software is functioning effectively after its installation; and to determine whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition.

You must not work in any type of employment without the prior approval of the probation officer.

CAUSE

Butler requested to transfer to the District of Oregon. Butler is not from the District of Oregon; however, to assist in making positive changes in his life, this district is willing to accept supervision contingent upon the modification of conditions of supervision to include all conditions listed above. Butler and his case worker reviewed and signed the modification on August 12, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,

By: _____

Joseph Warix
U.S. Probation Officer

Approved By: _____

Nicholas Capaccio
Supervisory U.S. Probation Officer

Date: _____

8/17/2020

THE COURT ORDERS:

- ☐ No Action
- ☐ The extension of supervision as noted above.
- ☐ The Modification of conditions as noted above
- ☐ Other

Mark R. Hornak,
Chief United States District Judge

Date